

Waltham City Council
Minutes of the Meeting of
February 27, 2017

President Pro Tem Logan called the meeting to order at 7:30pm.

The Clerk Pro Tem Kara Wilson called the roll of the City Council.

**Call of the Roll:
City Council**

Present: Councillors Darcy, LeBlanc, R., Logan, McMenimen, O'Brien, Rourke, Fowler, McLaughlin, Romard, Marchese, Brasco, Waddick

Absent: Giordano, LeBlanc, D. Vidal

The Clerk Pro Tem recited the Council Prayer followed by leading all present in the Pledge of Allegiance.

Councillor Marchese asked for a moment of silence for all our military that have served; past and present.

Councillor Waddick moved to table the minutes until the completion of public hearings. The minutes were tabled by a voice vote.

Councillor Darcy moved to suspend rules and take a matter out of order. Matter was approved by a voice vote. Councilor Darcy moved to approve the appointment of Maria Russo, 85 Mallard Way to the Historical Commission. All were in favor. Roll call required.

Approved: Brasco, Fowler, Logan, Marchese, McLaughlin, O'Brien, Waddick, LeBlanc, R., Rourke, Darcy, McMenimen, Romard

Opposed: None

Absent: LeBlanc, D., Giordano, Vidal

Matter was approved.

The Clerk Pro Tem read Rule 86.

The Clerk Pro Tem called the matter of the first public hearing: 17-25 Petition at 66 Fiske Avenue.

Barbara Kelleher, Representative for Nationalgrid spoke in favor of the petitioner. Deepak Nishnu, Engineer for Nationalgrid spoke in favor of the petition. Grace Sawaya, Representative for petitioner spoke in favor of the petition. Mr. Doherty explained his displeasure with Nationalgrid. The road was repaved

Brian Doherty, 83 Fiske Ave., spoke in opposition of the petition. Mr. Doherty stated the road was paved on July 6, 2016. On January 25, 2017 two men walked street with probes looking for leaks. February 17, 2017 there was an emergency leak across the street from his house that was dug up. Twenty-three days later they dig up the street!

With no one else in support and no one else in opposition and no one in a neutral position of the petition, President Pro Tem Logan closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillor Waddick asked what the emergency was and did DPU mandate them to do it.

Councillor Brasco asked for a copy of the daily log they kept. Councillor Fowler asked about the 140 leaks within the city that are actual leaks. Councillor McMenimen spoke on the matter.

Councillor Romard asked what the fine will be that Nationalgrid will make you pay. He asked for it to be brought to Committee the actual paving plan and how they plan to connect a three inch cast iron pipe to the PVC pipe. Councillor O'Brien asked for a quote to be brought to

committee on what it will cost to repave the entire street. Councillor LeBlanc asked about the quality of the patch jobs they do. We said there needs to be quality control on these kinds of patches. Nationalgrid assured Mr. Doherty they would fix the patch in front of his house. With no further questions from Councillors President Pro Tem Logan referred the matter to the Public Works Committee.

The Clerk Pro Tem called the matter of the second public hearing: Grant of Location at pole 129/15 Grove Street.

Renee Banks-Clark of 369 Rockland Street, Brockton spoke in favor of the petition.

With no one else in support and no one else in opposition and no one in a neutral position of the petition, President Pro Tem Logan closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillor Marchese spoke on the petition. With no further questions from Councillors President Pro Tem Logan referred the matter to the License & Franchise Committee.

The Clerk Pro Tem called the matter of the third public hearing: Rumbleseat, LLC Special Permit at 746 South Street

Joshua Davis, Clocktower Drive, Waltham, Representative for petitioner spoke in favor of the petition. Also in favor were Andy Burnham, 35 Franklin Street, Newton and Paul Finger of Finger and Associates.

Paul Pavone, Local 560 Labor Union Rep. spoke in opposition to the petition. He stated they are not using local union employees on this job. George Ventulla, 100 Trapelo Road #4 spoke in a neutral position on the petition.

With no one else in support and no one else in opposition and no one in a neutral position of the petition, President Pro Tem Logan closed this portion of the public hearing and opened the hearing to questions from Councillors.

Councillors Rourke, Waddick, Darcy, Romard McMenimen all asked questions to the petitioner. With no further questions from Councillors President Pro Tem Logan referred the matter to the Ordinances and Rules Committee.

Councillor Waddick moved to take the minutes from the table. Matter approved by a voice vote. Councillor Waddick moved to go into executive session and have Kara Wilson Clerk the meeting and Pat Azadi attend the session.

On the motion Councillor Darcy moved to table the matter. All in favor. Matter was tabled.

Councillor Darcy moved to suspend the rules and take a matter out of order. All in favor.

Councillor Darcy moved to have the Clerk read the 380 Lexington Street Demolition Resolution. All in favor. The Clerk read the resolution. Councillor Fowler spoke on the resolution. President Pro Tem Logan referred the matter to the Committee of the Whole.

Councillor Fowler moved to request the Mayor to attend the next Committee of the Whole meeting to discuss the Resolution. All were in favor. Request was approved.

The Clerk read the Safety of Gas within the City Resolution. Councillor Fowler spoke on the resolution. President Pro Tem Logan referred the matter to the Economic and Community Development Committee.

The Clerk read the next Resolution – Financial Transparency Resolution. Councillor Rourke spoke on the Resolution. President Pro Tem Logan referred the matter to the Finance Committee.

Councillor Waddick moved to take the executive session minutes off of the table. All in favor. Councillor McMenimen rose to a point of information. Councillor Waddick moved to here from an off Council member. All in favor. Pat Azadi answered the questions Attorney Azadi answered the question regarding votes to be taken if there is not enough Councillors. Councillor Waddick moved to table the matter. The President Pro tem called for a two minutes recess.

The Clerk Pro Tem read the call of the second public hearing: Fuel Storage License Robert Connors, Connors & Connors LLC, Lexington St. Waltham, attorney for the petitioner spoke in favor of the petition. With no one else in support and no one else in opposition and no one in a neutral position on the petition, President LeBlanc closed this portion of the public hearing and opened the hearing to questions from Councillors. Councillors Romard, Rourke and Darcy asked questions to the petitioner. With no further questions from Councillors President LeBlanc referred the matter to the License and Franchise Committee.

Communications from the Mayor

1. The Mayor respectfully requested the City Council to review and decide on the proposed questions regarding the property at 67 Crescent Street. Enclosed was a communication from Litchfield Realty Trust regarding 67 Crescent Street, Waltham. President LeBlanc referred the matter to the Committee of the Whole.
2. The Mayor respectfully requested the City Council to review and advise if there may be interest in purchasing the property at 338 Beaver Street, Waltham. The owner's attorney has contacted the Mayor's Office regarding the city's interest in purchasing this property. President LeBlanc referred the matter to the Committee of the Whole.
3. The Mayor respectfully requested an appropriation in the amount of \$387,343 from account #600-440-5800-7500 Sewer I/I Mitigation (General) to account #600-440-5800-7560 Sewer I/I Mitigation (Area 1314-B Design/Engineering). These funds will be used to award the low and responsible bid for design/engineering services for an ACO project located in Area 1314B. President LeBlanc referred the matter to the Finance Committee.
4. The Mayor respectfully requested a transfer of Building Capital Improvement Funds in the amount of \$25,744.00 from account #310-192-2010-6000 Building - General to account #310-192-2010-6263 Building – Library Roof. These funds will be used to perform extensive roof repairs at the Main Street Library building. President LeBlanc referred the matter to the Long Term Debt Committee.
5. The Mayor respectfully requested acceptance of the FFY 2016-2017 HMEP Grant in the amount of \$1,563.00 and the FFY 2016 EMPG Grant in the amount of \$22,460.00 awarded to the City of Waltham from Massachusetts Emergency Management Agency. Referred to the Finance Committee
6. The Mayor respectfully requested approval of the enclosed Taking Order of 554 Lexington Street 75R Lincoln Street & 111R Lincoln Street. Time is of the essence for educational use of this property by the School Department to build a new high school (along with other uses), and submittals to the state for financial assistance. An appropriation City Council Order #33614 is already in effect for this Taking.

President LeBlanc referred the matter to the Committee of the Whole.

7. The Mayor respectfully requested the following transfer of Capital Improvement Funds in the amount of \$6,267.00. These funds will be used to lay a new subfloor over the existing floor and install new VCT tile for the Trapelo Road Fire Station.

President LeBlanc referred the matter to the Long Term Debt Committee.

8. The Mayor respectfully requested acceptance of a gift of an upgraded boat trailer from the City of Cambridge Water Department to replace the current boat trailer they donated in 2005. The value of the upgraded boat trailer is \$2,418.98. The City of Cambridge owns and is responsible for the protection of the reservoir on Winter Street. Under a mutual aid agreement, the Waltham Fire Department is a first responder to an incident at this location. As such, the City of Cambridge has donated and upgraded various pieces of protective supplies and equipment to the City of Waltham over the years.

President LeBlanc referred the matter to the Finance Committee.

9. The Mayor respectfully requested acceptance of a grant from the Executive Office of Public Safety to receive funding in the total amount of \$10,139 for the Student Awareness of Fire Education (SAFE) Program (\$6,943) and the Senior SAFE programs (\$3,196). The funds will be used to provide materials and training sessions for children and seniors. This grant does not require a City match or in-kind contribution.

President LeBlanc referred the matter to the Finance Committee.

10. The Mayor respectfully requested the recommendation for the educational use of the Stigmatine property by the Waltham High School to build a new high school and the associated athletic fields and open space and other recommendations regarding the Stigmatine's use of the site.

President LeBlanc referred the matter to the Committee of the Whole.

11. The Mayor respectfully requested, pursuant to the provision of Section 2.282 of the City Ordinance, the appointment of Maria Russo of 85 Mallard Way, Waltham, MA as a member of the Waltham Historical Commission. This appointment is to fill the vacancy left by the resignation of Alex Green.

President LeBlanc referred the matter to the Committee of the Whole.

12. The Mayor respectfully requested the City Council to review and advise if there may be interest in purchasing the property at 52R Winter Street. One of the owners of the property have contacted the Mayor's Office regarding the city's interest in purchasing this property but the Mayor does not recommend purchase.

President LeBlanc referred the matter to the Committee of the Whole.

13. The Mayor respectfully requested approval of the following bid at the Nathaniel at Banks Square Condominium Unit #101 for \$431,500.

President LeBlanc referred the matter to the Finance Committee.

Applications for Licenses and Permits

1. Class 2 Motor Vehicle Renewal – 279R Crescent St, Waltham Auto Tow, Inc.

President LeBlanc referred the matter to the License and Franchise Committee.

Resolutions

Councillor McMenimen acknowledged School committee members Mr. Frassica and Ms. AlJammal were present tonight at the Council meeting.

The Clerk Pro Tem read the first resolution submitted by Councillor Romard regarding Master Traffic Plan. Councillor Romard spoke on the Resolution. President LeBlanc referred the Resolution to the Committee of the Whole.

Councillor McMenimen submitted a Resolution regarding Invoices for the Council. The Clerk Pro Tem read the Resolution. Councillor McMenimen spoke on the Resolution. President LeBlanc referred the Resolution to the Finance Committee.

Committee Reports

Committee of the Whole

Councillor O'Brien recused himself.

The Committee of the Whole recommended the approval of the amended Assistant City Clerk job description be approved. Councillor Logan moved that the action of the Committee be the action Council. On the motion Councillor Logan moved to amend the changed that were not adopted within the minimum requirements section of the job description. Councillor McMenimen rose to a point of clarification and wanted to know what the page of the track changes Councillor Logan was speaking about. On the motion Councillor Waddick spoke on the matter. Councillor Romard moved to recommit the matter to committee. Councillor McMenimen rose to a point of order. Councillor McMenimen requested a roll call for recommitting the matter.

Approved: Darcy, McMenimen, Romard, Rourke

Opposed: Brasco, Fowler, Giordano, Logan, Marchese, McLaughlin, Vidal, Waddick, LeBlanc, D., LeBlanc, R.,

Absent: O'Brien (recused himself)

With a vote of 4 to 10 the matter did not pass.

Councillor Romard spoke on the matter. Councillor Logan rose to a point of order and moved that the matter be approved.

Councillor Logan submitted a request to have the HR Director post and advertise a vacancy announcement for the position of the Assistant City Clerk for a period of two weeks. All were in favor and request was approved. Councillor Logan submitted a request that the HR Director be the point of contact for receiving the applications and providing copies of the full job description. All were in favor and request was approved. Councillor Logan submitted a request that the HR director screen all applications for minimum requirements and refer all applicant's that meet the minimum qualifications to all Council members. All were in favor, one was opposed and request was approved.

Councillor Waddick moved to discharge the procedures for filling the Assistant City Clerk vacancy from committee. All were in favor. Councillor Waddick spoke on the matter.

Councillor Waddick moved approval of the procedures. On the motion Councillor McMenimen spoke on the matter. Councillor Romard spoke on the matter and made a motion to request that the special meeting take place on a Monday evening. On the motion Councillor Darcy stated this is a hypothetical request.

On the motion Councillor McMenimen moved to table the process of filling a vacancy. Roll call was requested.

Approved: Darcy, McMenimen, Romard, Rourke, LeBlanc, R.,

Opposed: Brasco, Fowler, Giordano, Logan, Marchese, McLaughlin, Vidal, Waddick, LeBlanc, D.,

Absent: O'Brien (recused himself)

With a vote of 5 to 9 the matter did not pass.

Councillor Logan spoke on the motion. Councillor McMenimen rose to a point of order.

Councillor Logan continued his explanation on why this is a political appointment. Councillor Waddick spoke on the motion. Councillor Romard spoke on the motion. Councillor Logan rose to a point of personal privilege. Councillor Romard continued.

Roll call requested for accepting procedures.

Approved: Rourke, LeBlanc, R., Brasco, Fowler, Giordano, Logan, Marchese, McLaughlin, Vidal, Waddick, LeBlanc, D.,

Opposed: Darcy, Romard

Absent: O'Brien (recused himself)

Abstained: McMenimen

Procedures were approved by an eleven to 2 vote.

License & Franchise

1. The License and Franchise Committee recommended Extended Hours Renewal – 569 Moody St. – Tiki House LTD., Inc. be approved. Councillor Brasco moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

Councillor Brasco moved to collectively approved matters #2-11. All were in favor and the matters were approved by a voice vote #2-11.

2. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University - Forest Hall Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

3. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Fenway Hall be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

4. The License and Franchise Committee recommends Lodging House Renewal - 175 Forest St. – Bentley University – Stratton House Beaver be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

5. The License and Franchise Committee recommends Lodging House Renewal –175 Forest St. – Bentley University – Nathan R. Miller Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

6. The License and Franchise Committee recommends Lodging House Renewal –175 Forest St. – Bentley University – Castle Hall Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

7. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Kresge Hall Upper be approved.

Councillor Brasco moves that the action of the Committee be the action Council.

8. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Copley Hall North Lower be approved.
Councillor Brasco moves that the action of the Committee be the action Council.
9. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – HUD Tree Dorms Upper be approved.
Councillor Brasco moves that the action of the Committee be the action Council.
10. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Slade Hall Upper be approved.
Councillor Brasco moves that the action of the Committee be the action Council.
11. The License and Franchise Committee recommends Lodging House Renewal – 175 Forest St. – Bentley University – Copley Hall South Lower be approved.
Councillor Brasco moves that the action of the Committee be the action Council.

Public Works & Public Safety Committee

1. The Public Works & Public Safety Committee recommended the 17-25 petition at 1130 Main Street for Eversource, Inc. be approved with conditions. Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.
2. The Public Works & Public Safety Committee recommended the 17-25 petition at 141 Ash Street for Attardo Real Estate Finance Company, LLC be approved with conditions.
Councillor Waddick moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

Long Term Debt Committee

1. The Long Term Debt Committee recommended the loan authorization for \$1,290,000 to fund the contract for the purchase of up to 25,000 wheeled cart recycling be approved for a first reading. Councillor Marchese moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote. Councillor Marchese moved to recommit matter back to the committee. All were in favor and matter was recommitted.

Finance Committee

1. The Finance Committee recommended appropriation in the amount of \$100,000 from Unreserved Fund Balance to account #001-220-5100-5131 Fire Department – Overtime be approved. Councillor McMenimen moved that the action of the Committee be the action Council. All were in favor and the matter was approved by a voice vote.

Ordinances & Rules

1. The Ordinances and Rules Committee recommended a time extension for 470, 486, 504 Totten Pond Road – Trustees of Zee Em Trust II be approved. Councillor Rourke moved that the action of the Committee be the action Council. Roll call required.
Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, McMenimen, Darcy

Opposed: None
Absent: None

2. The Ordinances and Rules Committee recommended a Time extension for 99 Third Ave – BP 99 Third Avenue, LLC be approved. Councillor Rourke moved that the action of the Committee be the action Council. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Romard, McMenimen, Darcy

Opposed: None
Absent: None

3. The Ordinances and Rules Committee recommended the zone change petition of Chapter 21, Article IV, Section 4.11 entitled "Table of Dimensional Regulations" and Article IV, Section 4.12 entitled "Footnotes, Table of Dimensional Requirements: at 9 Hope Ave., be approved for a second reading. Councillor Rourke moved that the action of the Committee be the action Council. Councillor Darcy spoke on the motion. Roll call requested.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke

Opposed: Darcy, McMenimen, Romard
Absent: None

Matter was approved for a second reading. Councillor Rourke moved to approve the matter for a third and final reading. All were in favor. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke

Opposed: Darcy, McMenimen, Romard
Absent: None

Matter was approved for a third and final reading.

4. The Ordinances and Rules Committee recommends the Resolution regarding Speed Limits be filed. Councillor Rourke moves that the action of the Committee be the action Council. All were in favor and the matter was filed.

Unfinished Business & Other Business

- Time extension for 300 College Farm Road Special Permit

Councillor Rourke spoke on the matter. Councillor Rourke moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Rourke moved approval of the matter. All were in favor. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Darcy, McMenimen, Romard

Opposed: None
Absent: None

- Time Extension for Bishops Forest Special Permit

Councillor Rourke spoke on the matter. Councillor Rourke moved to suspend the rules and act on the matter without committee reference. All were in favor. Councillor Rourke moved approval of the matter. All were in favor. Roll call required.

Approved: Brasco, Fowler, Giordano, Logan, Marchese, Mclaughlin, O'Brien, Vidal, Waddick, LeBlanc, D., LeBlanc, R., Rourke, Darcy, McMenimen, Romard
Opposed: None
Absent: None

- Public Records Law Request: Executive Session Minutes from MuckRock
President LeBlanc referred the matter to the committee of the Whole. Councillor Logan requested that Attorney Pat Azadi attend the Committee of the Whole meeting next Tuesday to talk about the matter. All were in favor and the request was approved.
- 20 Cooper Street aka End Cooper St., 135 Elm Street Public Access Easement
Referred to the Ordinances and Rules Committee
- CPC Recommendation for an appropriation of CPA funds for \$350,000 for historic preservation of Charles River Museum of Industry & Innovation, Inc.
Referred to the Long Term Debt Committee.

Tabled Items

- 554 Lexington Street
- Mayors request for Fernald Property acreage for school (50 acres: 25 CPA/25 non CPA) submitted August 22, 2016
- 950 Winter Street Fuel Storage License

Councillor Romard gave a shout out to all the DPW/Engineering Department employees for the work and repairs they did on Totten Pond Road water main break this past weekend.

Councillor Fowler reminded everyone to shovel out their fire hydrants. Councillor Rourke pointed out the information page on the docket and President LeBlanc thanked the DPW dept. for clearing the roads.

There being no further matters before the City Council, Councillor Logan moved to adjourn. All were in favor. The motion was adopted on a voice vote.
President LeBlanc declared the meeting adjourned at 10:12p.m.

Respectfully submitted by:
Kara Wilson
Executive Assistant of the City Clerk
February 24, 2017
Approved by the City Council: _____